IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 21812 of 2007(V)

PETITIONER:

K.G.R.PANICKER, S/O.CONTRACTOR
POORNAM, K.R.PURAM P.O., CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.V.N.VASANTH KUMAR
SRI.K.R.NARAYANA PAI

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY THE SECRETARY, P.WORKS (G) DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE SUPERINTENDING ENGINEER, PWD, BRIDGES AND ROADS, SOUTH CIRCLE, THIRUVANANTHAPURAM.**

3. **EXECUTIVE ENGINEER, P.W.D. ROADS DIVISION, ALAPPUZHA.**

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 21812 OF 2007
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Dated this the 25th day of September, 2007

J U D G M E N T

The relief sought for in this writ petition is that the petitioner should be directed to be given PWD rates as revised w.e.f. 1/12/04. According to the petitioner, the site should have been handed over much earlier and that in terms of the contract, the work itself should have been completed before 12/12/04. This claim is raised on the only reason that there was delay in handing over the site for work. This in my view does not give rise to cause of action, which the petitioner can agitate in a proceedings under Article 226 of the Constitution of India. If at all he is entitled, the petitioner can have his right established only in a Civil Suit and not in a writ proceedings.

Writ petition fails and is dismissed.

ANTONY DOMINIC, JUDGE.

Rp